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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/040,240	10/26/2001	Henry D. Wood	3468-61319/RJP	9266

7590 05/12/2003

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EXAMINER

HITESHEW, FELISA CARLA

ART UNIT	PAPER NUMBER
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1765

DATE MAILED: 05/12/2003

10

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/040,240

Applicant(s)

Wood, et al

Examiner

H Yesheew

Group Art Unit

1765

---The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address---

Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☐ Responsive to communication(s) filed on _____.
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-36 is/are pending in the application.
- Of the above claim(s) 11-21 and 29-36 is/are withdrawn from consideration.
- ☒ Claim(s) ~~1-9 and 20-25~~ 26-28 is/are allowed.
- ☒ Claim(s) 1, 9 and 22-25 is/are rejected.
- ☒ Claim(s) 2-8 and 10 is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
 - ☐ received in Application No. (Series Code/Serial Number) _____.
 - ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____.

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 10
- ☒ Notice of References Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

Information Disclosure Statement

The Information Disclosure Statement under 37 C.F.R. 1.97 has been received and reviewed. However, the information disclosure is not deemed to be pertinent over the prior art of record.

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: Item numbers (156C), (164C), (168C), (174C), (220), (228), (237), (274), (279), (280), (360), (374), (375), (380), (382). A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

1. Claim 1 recites the limitation "apparatus" and "single crystal silicon" in line 1. There is insufficient antecedent basis for this limitation in the claim.
2. Claim 9 recites the limitation "apparatus" and "single crystal silicon" in line 1. There is insufficient antecedent basis for this limitation in the claim.
3. Claim 22 recites the limitation "apparatus" and "single crystal silicon" in line 1. There is insufficient antecedent basis for this limitation in the claim.

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3. Claims 23-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Independent claim 22 states the terminology an "apparatus", while claims 24-25 state "System". The difference in terminology is being considered vague and indefinite. Please consider using the terminology -- apparatus -- as a replacement term.

Allowable Subject Matter

5. Claims 26-28 are allowed.

6. Claims 2-8 and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Claims 1, 9 and 22 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

8. The following is a statement of reasons for the indication of allowable subject matter: The most relevant prior art of record was the prior art that was submitted by the applicants. However, it does not teach singularly or in any combination thereof an apparatus for growing single crystal silicon comprising: a crucible adapted to contain a melt; a lift mechanism located over the crucible; a support body suspended from the lift mechanism; and a pivoted member comprising at least one rod holder suitable for holding a silicon rod and a single crystal seed held in a fixed position relative to the rod holder, the pivoted member being pivotally mounted on the support body for movement relative to the support body about a generally horizontal pivot axis and the pivoted

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member having a center of gravity locate such that, when at least one silicon rod is connected to the pivoted member, the pivoted member is positioned with the rod holder extending downwardly and, when no silicon rods are connected to the pivoted member, the pivoted member is positioned with the seed extending downwardly.


Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTOL 892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Felisa Hiteshew whose telephone number is (703) 308-2545. The examiner can normally be reached on Mondays through Thursdays from 5:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Benjamin Utech, can be reached on (703) 308-3836. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3599.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.


FELISA HITESHEW
PRIMARY EXAMINER
AU 1765